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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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23696 7590 06/29/2007 QUALCOMM INCORPORATED 5775 MOREHOUSE DR. SAN DIEGO, CA 92121			EXAMINER PEREZ, ANGELICA	
			ART UNIT 2618	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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Office Action Summary	Application No.	Applicant(s)	
	10/034,776	HUTCHISON, JAMES A.	
	Examiner	Art Unit	
	Angelica M. Perez	2684	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 April 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-39 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Argument

1. Applicant's arguments filed 4/12/2007 have been fully considered but they are not persuasive.

2. In the remarks, the applicant argues in substance:

(A) In pages 13-16, first paragraph, "Lynk fails to teach either transmitting or receiving

audio with an access request or terminating the audio transmission in the event the access request is denied."

In response to argument (A), the examiner would like to explain where the audio can be transmitted to anywhere in the system/network, the audio can be transmitted from the user to the mobile device and further to a storage area within the device (column 3, lines 43-50). The claim language is not indicating from where or to where the audio is coming/going, therefore, it is open to a broad interpretation. There is just language indicating transmission of audio and access request, there is no indication of a connection. Transmission does occur from the mobile station to (circuitry within the MS, in the Lynk reference, column 3, lines 43-50) and the base station (In the Stevens reference, pages 5 and 6, lines 37 and 1-7) even though it does not finally connect with other MS.

The examiner did not rely upon the Lynk reference to address the limitation, "terminating the audio transmission in the event the access request is denied". This limitation was addressed utilizing the reference Stevens, where the prior art shows refusal

for a connection (access grant), given this decision, all transmission is stopped (See pages 3 and 4, lines 36-37 and 1-3, respectively, where "simply refusing to connect a call if the communication path to the or at least one of the target mobile radio units is not available" corresponds to "access request is denied", according to access protocols, the BS should send a message to the originating MS that the access is denied and transmission of audio should be stopped. Again, since there is no information that indicates where the audio is coming from or going to; broadly interpreted, the audio can be the one being sent, the one waiting to be sent, etc.). In addition, it is a waste of resources and illogical for any system to keep sending/receiving information when it is very clear that access to a communication has been denied.

(B) In page 16-17, "...Stevens does not suggest transmission of audio with an access request..."

The Lynk reference teaches of sending an access request and voice (See column 3, lines 43-47, "a trunked radio subscriber requesting dispatch service to transmit a request for a channel and immediately begin to speak without waiting to receive permission to access the channel". Column 6, lines 43-45). The Stevens reference does teach sending audio with an access request. There is no point in sending audio without having an access request that will ultimately send the audio to another mobile device user. Both an access request and audio are sent to the base station, if resources are available (links, channels), the BS immediately sends the audio to the available receiving end units. However, if other end units are busy, off, etc. (not available), the BS will store the audio so that when resources become available (release

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of a previous call, on device, etc.), the BS will transmit the audio received with the request to connect, so that connection can be made. There would not be a connection if a request for access is not submitted and granted (pages 1, 2, 5 and 6, lines 17-33, 13-22, 37 and 1-7, respectively).

Claim Rejections - 35 USC § 101

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. Claims 33 and 34 are rejected under 35 U.S.C. 101 because the claimed invention is not supported by either an asserted utility or a well established utility. To further clarify the language used, further changes are recommended, "carrying" must be "encoded with". In addition, in order to maintain consistency with the specifications, it would desirable to change the previously proposed language "computer executable instructions" with "processor-readable instructions", See the specification, paragraph 64.

Claim Rejections - 35 USC § 112

5. Rejection under 35 USC § 112 has been withdrawn.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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7. Claims 1-2, 4-11, 14, 16, 20-21, 23-25, 33, 37 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lynk (Lynk, Charles N.; EP Application No.: 0,321,672 A2) in view of Stevens (Stevens, Robert David; GB Pub. No.: 2,336,975 A) and further in view of (MPEP 2144.03).

Regarding claims 1, 20, 33, 37 and 39, Lynk teaches of a method, device, wireless transmitter, processor and controller (figures 2 and 3; items 21, 47 and 35, respectively; abstract, lines 1-2) comprising: transmitting and receiving a request for access to a broadcast link in a point-to-multipoint communication system (column 5, line 35-38, column 2, lines 47-54 and figure 1; abstract, lines 1-8; e.g., "dispatch service" corresponds to a point-to-multipoint communication system). Lynk further teaches of receiving audio, where the audio includes speech, from a user of the wireless communication device, (where the Examiner has given a broad interpretation of the claim; therefore, the audio can be received anywhere in the system/network, the device can be receiving audio from the user).

Although in Lynk's method the subscriber begins to speak immediately after an access to a channel is requested, it does not teach of transmitting audio with the access request and of a computer-readable medium carrying instructions; and direct transmitting of audio broadcast from the wireless communication device before receiving an acknowledgement that the access request is granted or denied.

In related art concerning a mobile radio system, Stevens teaches of transmitting audio with the access request, where the audio includes speech (columns 3 and 4 lines 25-35 and 5-10 where even if resources are not available the access request and voice

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message are sent by a user of the group); and a computer-readable medium carrying instructions (pages 11 and 12, lines 34-37 and 1-14); from the wireless communication device before receiving an acknowledgement that the access request is granted or denied (page 4, lines 5-10; where the presence of speech indicates an access request), and direct transmission of audio broadcast link (pages 3, 4, 5 and 6; lines 25-35, 5-10, 37 and 1-12, respectively; where the access request and message are sent almost simultaneously; e.g., in push-to talk systems, the user presses the button and starts talking immediately after and the BS broadcasts information directly to each of the mobile stations when access is granted).

It would have been obvious to a one of ordinary skill in the art at the time the invention was made to use combine Lynk's method where the subscriber begins to speak immediately and Steven's access in order to allow a larger number of units to be served, as taught by Steven

Lynk and Stevens do not teach of terminating the audio transmission in the event the access request is denied.

However, Examiner takes "Official Notice" of Lynk's and particularly Steven's admission where is well known in the art of terminating the audio transmission in the event the access request is denied (pages 3 and 4, lines 36-37 and 1-3, respectively).

It would have been obvious to a one of ordinary skill in the art at the time the invention was made to use combine Lynk's and Steven's method of sending an access request and voice message with the prior art where a call is terminated if resources are not available, in order to save storage capacity in the system.

Regarding claims 2, 14 and 21, Lynk, Stevens and MPEP 2144.03 teach all the limitations of claims 1, 12 and 20, respectively.

Stevens further teaches where transmitting audio includes transmitting the audio immediately following transmission of the access request (pages 3, 4, 5 and 6; lines 25-35, 5-10, 37 and 1-12, respectively; where the access request and message are sent almost simultaneously; e.g., in push-to talk systems, the user presses the button and starts talking immediately after).

It would have been obvious to a one of ordinary skill in the art at the time the invention was made to use combine Lynk's, Steven's and MPEP 2144.03's method of sending an access request and voice message with Steven's further transmitting the audio immediately following transmission of the access request in order to decrement delay time.

Regarding claims 4, 16 and 23, Lynk, Stevens and MPEP 2144.03 teach all the limitations of claims 1, 12 and 20, respectively. Lynk further teaches where transmitting audio includes transmitting the audio without receiving an acknowledgement that the access request is granted and without receiving an acknowledgment that the access request is denied (column 7, lines 5-8; where the audio is transmitted before an acknowledgement/denial is received. In addition, it is not important to receive this information as long as the connection is done).

Regarding claim 6, Lynk, Stevens and MPEP 2144.03 teach all the limitations of claim 1. Lynk further teaches comprising receiving an acknowledgement that the access request is granted during transmission of the audio (column 6, lines 44-54).

Regarding claim 7, Lynk, Stevens and MPEP 2144.03 teach all the limitations of claim 1. Lynk further teaches of receiving the denial of the access request from an arbitration controller (column 7, lines 49-53).

Regarding claims 8 and 25, Lynk, Stevens and MPEP 2144.03 teach all the limitations of claims 1 and 20, respectively.

Stevens further teaches transmitting the audio to the broadcast link via wireless network equipment (figure 1, where radio communication systems transmit data wirelessly).

It would have been obvious to a one of ordinary skill in the art at the time the invention was made to use combine Lynk, Steven and MPEP 2144.03's method of sending an access request and voice message with Steven's further teaching of transmitting the audio wirelessly in order to comply with a preferable communication form, ad taught by Stevens.

Regarding claim 9, Lynk, Stevens and MPEP 2144.03 teach all the limitations of claim 1.

Stevens prior art admission according to MPEP further teaches of receiving the denial of the access request from a wireless communication device in the system via a wireless base station (pages 3 and 4, lines 36-37 and 1-3, respectively; where the BS sends a wireless radio message to the MS; where the BS receives the indication from the MS when the BS is busy with another party or off).

It would have been obvious to a one of ordinary skill in the art at the time the invention was made to use combine Lynk, Steven and MPEP 2144.03's method of

sending an access request and voice message with Steven's further receiving the denial of the access request from a wireless communication device in the system via a wireless base station in order to disconnect those units that are not available, as taught by the admitted prior art in the reference Steven.

Regarding claim 10, Lynk, Stevens and MPEP 2144.03 teach all the limitations of claim 1. Lynk further teaches of generating the denial of the access request within a wireless communication device that presently has access to the broadcast link (column 7, lines 49-52).

Regarding claim 11, Lynk, Stevens and MPEP 2144.03 teach all the limitations of claim 1. Lynk further teaches of transmitting the access request in response to actuation of a push-to-talk input medium associated with a wireless communication device (column 5, lines 20-24).

Regarding claims 5 and 24, Lynk, Stevens and MPEP 2144.03 teach all the limitations of claims 1 and 20, respectively.

Stevens further teaches where at least a portion of the audio transmission serve as the access request (page 4, lines 5-10; where the presence of speech indicates an access request).

It would have been obvious to a one of ordinary skill in the art at the time the invention was made to use combine Lynk's, Steven's and MPEP 2144.03's method of sending an access request and voice message with Steven's further access request feature in order to avoid having to wait until an access to the channel is granted, as taught by Steven.

8. Claims 3, 12, 15, 17-19, 22, 26, 28-32, 34-36 and 38, are rejected under 35 U.S.C. 103(a) as being unpatentable over Lynk in view of Stevens and further in view of MPEP 2144.03 and further in view of Velius, George A. (Velius, US Patent No.: 5,594,784 A).

Regarding claims 12, 26 and 34-35, Lynk teaches of a method, a computer-readable medium carrying computer-executable instructions that cause a processor in the network equipment to execute the present method and arbitration controller for a point-to-multipoint communication system (figures 2 and 3; items 21, 47 and 35, respectively; abstract, lines 1-2), comprising: transmitting and receiving a request for access to a broadcast link in a point-to-multipoint communication system (column 5, line 35-38, column 2, lines 47-54 and figure 1; abstract, lines 1-8; e.g., "dispatch service" corresponds to a point-to-multipoint communication system). Lynk further teaches of receiving audio from a user of the wireless communication device, (where the Examiner has given a broad interpretation of the claim; therefore, the audio can be received anywhere in the system/network, the device can be receiving audio from the user).

Although in Lynk's method the subscriber begins to speak immediately after an access to a channel is requested, it does not teach of transmitting audio with the access request and of a computer-readable medium carrying instructions; and direct transmitting of audio broadcast from the wireless communication device before receiving an acknowledgement that the access request is granted or denied.

In related art concerning a mobile radio system, Stevens teaches of transmitting audio with the access request, where the audio includes speech (columns 3 and 4 lines

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25-35 and 5-10 where even if resources are not available the access request and voice message are sent by a user of the group); and a computer-readable medium carrying instructions (pages 11 and 12, lines 34-37 and 1-14); from the wireless communication device before receiving an acknowledgement that the access request is granted or denied (page 4, lines 5-10; where the presence of speech indicates an access request), and direct transmission of audio broadcast link (pages 3, 4, 5 and 6; lines 25-35, 5-10, 37 and 1-12, respectively; where the access request and message are sent almost simultaneously; e.g., in push-to talk systems, the user presses the button and starts talking immediately after and the BS broadcasts information directly to each of the mobile stations when access is granted).

It would have been obvious to a one of ordinary skill in the art at the time the invention was made to use combine Lynk's method where the subscriber begins to speak immediately and Steven's access in order to allow a larger number of units to be served, as taught by Steven

Lynk and Stevens do not teach of terminating the audio transmission in the event the access request is denied.

However, Examiner takes "Official Notice" of Lynk's and particularly Steven's admission where is well known in the art of terminating the audio transmission in the event the access request is denied (pages 3 and 4, lines 36-37 and 1-3, respectively).

It would have been obvious to a one of ordinary skill in the art at the time the invention was made to use combine Lynk's and Steven's method of sending an access request and voice message with the prior art where a call is terminated if resources are

not available, in order to save storage capacity in the system.

Although it is implicit in the prior art of record where audio is sent before an access request is accepted or denied, the examiner is introducing a new reference that explicitly shows of transmitting audio before receiving an acknowledgement that the access request is granted and before receiving an acknowledgement that the access request is denied.

In related art concerning an apparatus and method for transparent telephony utilizing speech-based signaling for initiating and handling calls, Velius teaches transmitting audio before receiving an acknowledgement that the access request is granted and before receiving an acknowledgement that the access request is denied (columns 7 and 8, lines 10-16 and 5-10, respectively).

It would have been obvious to a one of ordinary skill in the art at the time the invention was made to use combine Lynk's, Steven's and MPEP 2144.03's method of sending an access request and voice message with Velius's explicit teaching of the access request acceptance and denial in order to allow the receiving party to receive calls depending on availability and preference, as taught by Velius.

Regarding claims 15 and 30, Lynk, Stevens, MPEP 2144.03 and Velius teach all the limitations of claims 12 and 26, respectively. Lynk also teaches transmitting the indication that the access request is granted after receiving at least a portion of the audio (page 5, columns 41-44, where the processing time of the BS is going to be longer than the time it takes for the audio coming behind the access request to be

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received; therefore, at least a portion of the audio is received before the access is granted).

Although it is implicit in the prior art of record where audio is sent before an access request is accepted or denied, the examiner is introducing a new reference that explicitly shows of transmitting audio before receiving an acknowledgement that the access request is granted and before receiving an acknowledgement that the access request is denied.

In related art concerning an apparatus and method for transparent telephony utilizing speech-based signaling for initiating and handling calls, Velius teaches transmitting audio before receiving an acknowledgement that the access request is granted and before receiving an acknowledgement that the access request is denied (columns 7 and 8, lines 10-16 and 5-10, respectively).

It would have been obvious to a one of ordinary skill in the art at the time the invention was made to use combine Lynk's, Steven's, MPEP 2144.03's and Velius's method of sending an access request and voice message with Velius's explicit teaching of the access request acceptance and denial in order to allow the receiving party to receive calls depending on availability and preference, as taught by Velius.

Regarding claims 3 and 22, Lynk, Stevens, MPEP 2144.03 and Velius teach all the limitations of claims 1 and 20, respectively. Lynk also teaches where transmitting audio includes transmitting the audio before receiving an acknowledgement that the access request is granted (page 5, columns 41-44).

Although it is implicit in the prior art of record where audio is sent before an access request is accepted or denied, the examiner is introducing a new reference that explicitly shows of transmitting audio before receiving an acknowledgement that the access request is granted and before receiving an acknowledgement that the access request is denied.

In related art concerning an apparatus and method for transparent telephony utilizing speech-based signaling for initiating and handling calls, Velius teaches transmitting audio before receiving an acknowledgement that the access request is granted and before receiving an acknowledgement that the access request is denied (columns 7 and 8, lines 10-16 and 5-10, respectively).

It would have been obvious to a one of ordinary skill in the art at the time the invention was made to use combine Lynk's, Steven's, MPEP 2144.03's and Velius 's method of sending an access request and voice message with Velius's explicit teaching of the access request acceptance and denial in order to allow the receiving party to receive calls depending on availability and preference, as taught by Velius.

Regarding claim 17, Lynk, Stevens, MPEP 2144.03 and Velius teach all the limitations of claim 12.

Stevens further teaches where at least a portion of the audio transmission serve as the access request (page 4, lines 5-10; where the presence of speech indicates an access request).

It would have been obvious to a one of ordinary skill in the art at the time the invention was made to use combine Lynk's, Steven's, MPEP 2144.03's and Velius

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method of sending an access request and voice message with Steven's further access request feature in order to avoid having to wait until an access to the channel is granted, as taught by Steven.

Regarding claim 18, Lynk, Stevens, MPEP 2144.03 and Velius teach all the limitations of claims 1 and 12.

Stevens prior art admission according to MPEP further teaches of receiving the denial of the access request from a wireless communication device in the system via a wireless base station (pages 3 and 4, lines 36-37 and 1-3, respectively; where the BS sends a wireless radio message to the MS).

It would have been obvious to a one of ordinary skill in the art at the time the invention was made to use combine Lynk, Steven, MPEP 2144.03's and Velius method of sending an access request and voice message with Steven's further receiving the denial of the access request from a wireless communication device in the system via a wireless base station in order to disconnect those units that are not available, as taught by the admitted prior art in the reference Steven.

Regarding claim 19, Lynk, Stevens, MPEP 2144.03 and Velius teach all the limitations of claim 12. Lynk further teaches of generating the denial of the access request within a wireless communication device that presently has access to the broadcast link (column 7, lines 49-52).

Regarding claim 28, Lynk, Stevens, MPEP 2144.03 and Velius teach all the limitations of claim 26.

Stevens further teaches where the processor directs transmission of an indication that the access request is granted or denied (page 12, lines 28-31; where TETRA radio systems comprise both processor and controllers to perform allocation of channels; thus, access and denial of resources).

It would have been obvious to a one of ordinary skill in the art at the time the invention was made to use combine Lynk, Steven, MPEP 2144.03's and Velius method of sending an access request and voice message with Steven's further access and denial in order to maintain control of the system, as taught by Steven.

Regarding claim 29, Lynk, Stevens, MPEP 2144.03 and Velius teach all the limitations of claim 26. Link further teaches where the transmitter transmits an indication that the access request is granted or denied (column 8, lines 10-17).

Regarding claim 31, Lynk, Stevens, MPEP 2144.03 and Velius teach all the limitations of claim 26. Lynk further teaches of transmitting the access request in response to actuation of a push-to-talk input medium associated with a wireless communication device (column 5, lines 20-24).

Regarding claim 32, Lynk, Stevens, MPEP 2144.03 and Velius teach all the limitations of claim 26. Stevens further teaches where the processor resides within a network server in a wide area network associated with network equipment in the point-to-multipoint communication system (where figure 1 represents a WAN).

Regarding claim 36, Lynk, Stevens, MPEP 2144.03 and Velius teach all the limitations of claim 35.

Stevens further teaches where at least a portion of the audio transmission serve as the access request (page 4, lines 5-10; where the presence of speech indicates an access request).

It would have been obvious to a one of ordinary skill in the art at the time the invention was made to use combine Lynk's, Steven's, MPEP 2144.03's and Velius method of sending an access request and voice message with Steven's further access request feature in order to avoid having to wait until an access to the channel is granted, as taught by Steven.

Regarding claim 38, Lynk teaches of a method, (abstract, lines 1-2), comprising: transmitting an access request from a wireless communication device to network equipment (column 3, lines 42-55, where network equipment can be the MS itself, BS, BSC, etc.), the access request including a request or access to a broadcast link in a point-to-multipoint communication system (column 5, line 35-38, column 2, lines 47-54 and figure 1; abstract, lines 1-8; e.g., "dispatch service" corresponds to a point-to-multipoint communication system). Lynk further teaches of receiving speech from a user of the wireless communication device, (42-48, where the mobile unit receives the speech from the user and where the Examiner has given a broad interpretation of the claim; therefore, the audio can be received anywhere in the system/network, the device can be receiving audio from the user).

Although in Lynk's method the subscriber begins to speak immediately after an access to a channel is requested, if interpreted broadly, the speech is transmitted to a network equipment (itself) before the wireless communication device receives an

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acknowledgment from the network equipment that the access request is granted and before the wireless communication device receives an acknowledgement from the network equipment that the access request is denied; and terminating the speech transmission from the wireless communication device to the network equipment in the event the access is denied (the examiner will provide a different references as further explanation for this teaching),

In related art concerning a mobile radio system, Stevens teaches of transmitting the speech from the wireless communication device before the wireless communication device receives an acknowledgment from the network equipment that the access request is granted (columns 3 and 4 lines 25-35 and 5-10 where even if resources are not available the access request and voice message are received by the BS); and before the wireless communication device receives an acknowledgement from the network equipment that the access request is denied (page 4, lines 5-10; where the presence of speech indicates an access request); and terminating the speech transmission from the wireless communication device to the network equipment in the event the access is denied (pages 3 and 4, lines 36-37 and 1-3, respectively).

It would have been obvious to a one of ordinary skill in the art at the time the invention was made to use combine Lynk's method where the subscriber begins to speak immediately and Steven's access in order to allow a larger number of units to be served, as taught by Steven.

Lynk and Stevens do not teach of terminating the audio transmission in the event the access request is denied.

However, Examiner takes "Official Notice" of Lynk's and particularly Steven's admission where is well known in the art of terminating the audio transmission in the event the access request is denied (pages 3 and 4, lines 36-37 and 1-3, respectively).

It would have been obvious to a one of ordinary skill in the art at the time the invention was made to use combine Lynk's and Steven's method of sending an access request and voice message with the prior art where a call is terminated if resources are not available, in order to save storage capacity in the system.

Although it is implicit in the prior art of record where audio is sent before an access request is accepted or denied, the examiner is introducing a new reference that explicitly shows of transmitting audio before receiving an acknowledgement that the access request is granted and before receiving an acknowledgement that the access request is denied.

In related art concerning an apparatus and method for transparent telephony utilizing speech-based signaling for initiating and handling calls, Velius teaches transmitting audio before receiving an acknowledgement that the access request is granted and before receiving an acknowledgement that the access request is denied (columns 7 and 8, lines 10-16 and 5-10, respectively).

It would have been obvious to a one of ordinary skill in the art at the time the invention was made to use combine Lynk's, Steven's, and MPEP 2144.03's method of sending an access request and voice message with Velius's explicit teaching of the access request acceptance and denial in order to allow the receiving party to receive calls depending on availability and preference, as taught by Velius.

Regarding claims 15 and 30, Lynk, Stevens, MPEP 2144.03 and Velius teach all the limitations of claims 12 and 26, respectively. Lynk also teaches transmitting the indication that the access request is granted after receiving at least a portion of the audio (page 5, columns 41-44, where the processing time of the BS is going to be longer than the time it takes for the audio coming behind the access request to be received; therefore, at least a portion of the audio is received before the access is granted).

Although it is implicit in the prior art of record where audio is sent before an access request is accepted or denied, the examiner is introducing a new reference that explicitly shows of transmitting audio before receiving an acknowledgement that the access request is granted and before receiving an acknowledgement that the access request is denied.

In related art concerning an apparatus and method for transparent telephony utilizing speech-based signaling for initiating and handling calls, Velius teaches transmitting audio before receiving an acknowledgement that the access request is granted and before receiving an acknowledgement that the access request is denied (columns 7 and 8, lines 10-16 and 5-10, respectively).

It would have been obvious to a one of ordinary skill in the art at the time the invention was made to use combine Lynk's, Steven's and MPEP 2144.03's and Velius method of sending an access request and voice message with Velius's further explicit teachings of the access request acceptance and denial in order to allow the receiving party to receive calls depending on availability and preference, as taught by Velius.

Regarding claims 3 and 22, Lynk, Stevens, MPEP 2144.03 and Velius teach all the limitations of claims 1 and 20, respectively. Lynk also teaches where transmitting audio includes transmitting the audio before receiving an acknowledgement that the access request is granted (page 5, columns 41-44).

Although it is implicit in the prior art of record where audio is sent before an access request is accepted or denied, the examiner is introducing a new reference that explicitly shows of transmitting audio before receiving an acknowledgement that the access request is granted and before receiving an acknowledgement that the access request is denied.

In related art concerning an apparatus and method for transparent telephony utilizing speech-based signaling for initiating and handling calls, Velius teaches transmitting audio before receiving an acknowledgement that the access request is granted and before receiving an acknowledgement that the access request is denied (columns 7 and 8, lines 10-16 and 5-10, respectively).

It would have been obvious to a one of ordinary skill in the art at the time the invention was made to use combine Lynk's, Steven's and MPEP 2144.03's method of sending an access request and voice message with Velius's explicit teaching of the access request acceptance and denial in order to allow the receiving party to receive calls depending on availability and preference, as taught by Velius.

9. Claims 13, are rejected under 35 U.S.C. 103(a) as being unpatentable over Lynk in view of Stevens and MPEP 2144.03 and further in view of Skemer, Terry (Skemer, US Pub. No.: 2007/0,005,954 A1).

Regarding claim 13, Lynk, Stevens and MPEP 2144.03 teach all the limitations of claims 1.

Although it is implicit in the prior art of record where of discarding of audio in the event of an access request being denied, the Examiner is introducing a new reference that explicitly shows this limitation.

In related art concerning a distributed subscriber management system, Skimmer teaches discarding of audio in the event of an access request being denied, the Examiner is introducing a new reference that explicitly shows this limitation (paragraph 2).

It would have been obvious to a one of ordinary skill in the art at the time the invention was made to use combine Lynk's, Steven's and MPEP 2144.03's method of sending an access request and voice message with Skimmer's teachings of the known fact of discarding of packages in order to save resources (e.g., bandwidth), as taught by Skimmer.

10. Claim 27, are rejected under 35 U.S.C. 103(a) as being unpatentable over Lynk in view of Stevens, MPEP 2144.03 and Velius and further in view of Skemer, Terry (Skemer, US Pub. No.: 2007/0,005,954 A1).

Regarding claims 13 and 27, Lynk, Stevens, MPEP 2144.03 and Velius teach all the limitations of claims 1 and 26, respectively.

Although it is implicit in the prior art of record where of discarding of audio in the event of an access request being denied, the Examiner is introducing a new reference that explicitly shows this limitation.

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In related art concerning a distributed subscriber management system, Skimmer teaches discarding of audio in the event of an access request being denied, the Examiner is introducing a new reference that explicitly shows this limitation (paragraph 2).

It would have been obvious to a one of ordinary skill in the art at the time the invention was made to use combine Lynk's, Steven's, MPEP 2144.03's and Velius's method of sending an access request and voice message with Skimmer's teachings of the known fact of discarding of packages in order to save resources (e.g., bandwidth), as taught by Skimmer.

Response to Argument

11. Applicant's arguments with respect to claims 3-4, 12-19, 22-23, 26-39 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

12. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Angelica Perez whose telephone number is 571-272-7885. The examiner can normally be reached on 6:00 a.m. - 2:30 p.m., Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew D. Anderson can be reached on (571) 272-4177. The fax phone numbers for the organization where this application or proceeding is assigned are 571-273-8300 for regular communications and for After Final communications.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either the PAIR or Public PAIR. Status information

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for unpublished applications is available through the Private PAIR only. For more information about the pair system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). Information regarding Patent Application Information Retrieval (PAIR) system can be found at 866-217-9197 (toll-free).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the TC 2600's customer service number is 703-306-0377.



Angelica Perez
Examiner



MATTHEW ANDERSON
SUPERVISORY PATENT EXAMINER

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June 19, 2007